

No.19-1355

**IN THE SUPREME COURT OF THE UNITED  
STATES**

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**BETZAIDA P JERNIGAN**

Petitioner (Pro Se)

v.

**ROBERT WILKIE, SECRETARY OF VETERANS  
AFFAIRS**

Respondent

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On Petition For A Writ of Certiorari  
to the United States Court of Appeals for the Federal  
Circuit

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**PETITION FOR REHEARING**

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## QUESTIONS PRESENTED

Millions, of active duty soldiers after serving with honor, expect fair and impartial adjudications on their claim(s). The need for proper notification instructions and correct enclosure(s) for benefits sought or withdrawn must prevail.

When political affiliations interfere in the granting or denial of a veterans' original claim, is that a substantial ground that a Court can intervene to cure those suffering from the consequences thereof, (if it can be proven) to which so far, if I may please the Court (in all honesty), there seems to be no remedy?

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Appx. A. The United States Supreme  
Court Case No. 19-1355 Dated: 10/05/2020  
*(Jernigan v. Wilkie)*; Denied Writ of Certiorari.

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1625132 Decision Date: 06/22/2016; See Appx.  
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Other:

Prayer written by: Betzaida P Jernigan

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OPINIONS BELOW

The U.S Fed. Cir., 04/10/2020 Decision  
Case No. 19-2235, affirmed the U.S. Vet. App.  
final decision Case No. 18-2918, Dated:  
04/12/2019 (*Jernigan v. Wilkie*).

The U.S. Vet. App., 04/12/2019 Decision  
Case No 18-2918, acted on a motion under  
Rule 35 of the Court's Rules of Practice and  
Procedure. Under Rule 36, Judgment:  
Affirmed (*Jernigan v. Wilkie*) [Case Re-  
opened, Clerk Amends].

The U.S. Vet. App. 03/21/2019, Case No. 18-2918 Ordered by the panel that single-judge Order remains the decision of the Court. (*Jernigan v. Wilkie*).

The U.S. Vet. App. 01/22/2019, Order by a single Judge, Judgement: Dismissed Petitioner's appeal for lack of jurisdiction, Case No. 18-2918, 2019 (*Jernigan v. Wilkie*).

The Board's Chairman, "Ruling on Motion" Dated: 05/03/2018 failed to reconsider an allowance of benefits on fraudulent material evidence, ultimately prejudiced reversal of a final Court(s) of Appeals decision(s).

The Board's Decision Dated: 06/22/2016  
Archived: 07/11/2016 Citation No. 1625132.  
Board dismissed appeal failing to reconsider

an allowance of benefits on fraudulent material evidence.

### JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

Jurisdiction in the Court of First Instance  
38 Chapter 72 Subchapter I § 7252 (a)(b)(c);  
§ 7261(A)(1)(2)(3)(A)(B)(C)(D),4(b)(1)(2)(c)(d);  
28 U.S.C. § 1291.

### Judgment(s) to be Reviewed

The United States (U.S.) Supreme Court 10/05/2020 Denied, Writ of Certiorari (*Jernigan v. Wilkie*), Case No 19-1355. (Appendix A).

The U.S. Federal (Fed.) Circuit (Cir.) 04/10/2020 (*Jernigan v. Wilkie*) Case No. 19-2235; Conclusion.

The U.S. Veterans Court of Appeals  
(Vet. App.) 04/12/2019 (*Jernigan v. Wilkie*)  
Case No. 18-2918; Judgment.

The U.S. Vet. App. 03/21/2019 (*Jernigan  
v. Wilkie*) Case No. 18-2918; Order.

The U.S. Vet. App. 01/22/2019  
Judgement, Case No. 18-2918, 2019 (*Jernigan  
v. Wilkie*); Order by a single Judge.

The Board of Veterans Appeals (Board),  
Chairman "Ruling on Motion"; Dismissal  
Dated: 05/03/2018.

The Board; Dismissal Dated: 06/22/16  
Archived: 07/11/16 Citation No. 1625132.

The U.S. Fed. Cir. 521 Fed. Appx. 931  
(2013) affirmed the lower court final judgment  
with no opinion. Case No. 13-7016 Petitioner  
filed a Brief for Writ of Certiorari (*Jernigan v.*

*Shinseki*) submitted to the U.S. Supreme Court.

The U.S. Vet. App. 06/19/2012 Case No. 10-1226 (*Jernigan v. Shinseki*), Final Judgment.

## STATEMENT

Petitioner presented (her) constitutional issues to the agency on 07/13/2014 (R. at 11027-10030) and to the Board on 10/21/2015 before presenting it for review to the U.S. Vet. App. (2018-2019).<sup>1 2</sup> See new, relevant material evidence (R. at 11105-11108) Dated: 10/29/2001 that evidence was not before the Board on 03/23/2010, Docket No. 04-03 446 A; 0141 A4 (R. at 12092 -12105).<sup>3 4</sup>

## ARGUMENT

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<sup>1</sup> 28 U.S.C. § 2072 (a)(b)(c); 28 U.S. C. §1291

<sup>2</sup> 18 U.S. Code §242

<sup>3</sup> 38 C.F.R. §20.1403 “the correct facts...were not before the Board”.

<sup>4</sup> 38 C.F.R. §19.29(c); 38 U.S.C. §7105(d)(1) (1994)).

The law did not define what (formal) claim form had to be used for benefits to be paid (prior to) *Jernigan v. Shinseki*, U.S. Vet. App. 06/19/2012 Case No. 10-1226 (Final Judgment). The Department of Veterans Affairs (VA) asserted Petitioner's receipt of VA's response letter (notice) in 1995. The 1995 notice prejudiced Petitioner not to act after she relied upon the context of the same, enclosure(s): 1-526 [not found]. The VA did not notify Petitioner of VA's (reasons) for a withdrawal of her original 1995 claim until 7 years later, even though Petitioner declined to sign a statement to consent to change the 1995 original date of her claims on 10/29/2001 (R. at 10055-10057).

**PRAYER**

I fought not over the ocean sea nor placed my foot on foreign soil. I stood on different ground. Yahweh is always glorified.

#### CONCLUSION

Petitioner placed her trust on different assistants, not on politics. One to handle the filing of her original claim with the Department of Veterans Affairs (VA) in 1995 and another to return to the VA Petitioner's 1995 original claim that she kept in her possession for 6 years.

VA did not apply a friendly mandate to Petitioner's original claim because, per the VA, Petitioner was not diligent in pursuing her claim (after relying on a VA misleading notice later VA asserting Petitioner's receipt thereof) see page 5, footnote 6, Vet. App. Case No. 10-

1226 Dated: 6/19/2012. VA's 1995 response letter<sup>5</sup> substantially prejudiced<sup>6</sup> Petitioner not to act in 1995 (except to discard the notice) after Petitioner relied upon the context of the same and "Enclosure(s): 1-526" [not found]<sup>7 8</sup>.

### RELIEF

A mistake has been clearly committed (Section 242 of Title 18). The face of the 1995 notice clearly states in writing prescribed Form 1-526 as an enclosure (R. at 15091).

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<sup>5</sup> R. at 15091; See *Kent v. Nicholson*, 20 Vet. App. 1, 12 (2006); *Sanders v. Nicholson*, 487 F. 3d 881 (Fed. Cir. 2007); R. at 11058

<sup>6</sup> R. at 13126 (1<sup>st</sup> paragraph); R. at 13100

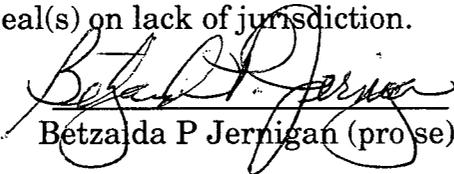
<sup>7</sup> 38 C.F.R. § 20.1000(a),(1),(3),(b); 38 U.S.C. §7104(a), 57 FR 4109 Feb. 3, 1992

<sup>8</sup> *Servello vs. Derwinski*, 3 Vet. App 196, 200 (1992); *Quarles v. Derwinski* 3 Vet.App. 129, 137 (1992).

Since July 21, 1995, the Department of Veterans Affairs changed regulations and forms but the omission of material records and unconsented commission of statements before the Board, not expressed by this Petitioner have not been cured in an unprecedented journey seeking justice. The Board's records did not contain Petitioner's consent declination (a statement created by an officer dated 10/29/2001) that Petitioner did not agree to sign to establish a different date for her 1995 original claim, even explaining why Petitioner would not withdraw her date of claim (R. at 15098); And, that actual evidence that proves this fact, was not on the record (not in consideration) before the Board in 2010 (R. at 10055-10057; 10058-10059; VA Form 9 Dated:

9/30/2005 R. at 13659 (1st paragraph bottom of p. 6). For the foregoing reasons Petitioner respectfully, request this Court to reverse denial for a Writ of Certiorari Dated: 10/05/2020 (*Jernigan v. Wilkie*), Case No 19-1355 filed on 05/11/2020 and remand to the appropriate Court to vacate the dismissal and the Board's 2010 final judgment to fairly adjudicate and grant benefits sought back to July 21, 1995. The lower Court(s) dismissed Petitioner's Appeal(s) on lack of jurisdiction.

10/20/2020

  
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## APPENDIX A

**SUPREME COURT OF THE UNITED**

**STATES**

**OFFICE OF THE CLERK**

**WASHINGTON, DC 20543-0001**

Scott S. Harris

Clerk of the Court

(202)479-3011

October 5, 2020

Ms. Betzaida P Jernigan

471 E. Kicklighter Rd.

Lake Helen, Fl 32744

Re: Betzaida P Jernigan

V. Robert Wilkie, Secretary of

Veterans Affairs

No. 19-1355

Dear Ms. Jernigan:

The Court today entered the following

A1

order in the above-entitled case:

The petition for a writ of certiorari is  
denied.

Sincerely,

Scott S. Harris

Scott S. Harris,

Clerk